

Carlisle Conservation Commission
October 25, 2012

Pursuant to the notice filed with the Town Clerk, Chair Kelly Guarino called the meeting to order in the Clark Room at the Town Hall at 7:30 p.m. Also present were Chair Elect Luke Ascolillo, Commissioners Tom Brown, Tom Brownrigg, Peter Burn (8:40), Jen Bush and Lee Tatistcheff and Conservation Administrator Sylvia Willard.

Bills, Minutes, General Agenda Items, & New/Pending or Old Business

Minutes:

*Brownrigg moved to accept the **January 13, 2011** minutes as amended, Brown seconded and all voted in favor with the exception of Brown and Tatistcheff, who abstained.*

*Ascolillo moved to accept the **January 27, 2011** minutes as amended, Brownrigg seconded and all voted in favor with the exception of Brown, Brownrigg and Tatistcheff, who abstained.*

*Ascolillo moved to accept the **February 10, 2011** minutes as amended, Brownrigg seconded and all voted in favor with the exception of Brown, Guarino and Tatistcheff, who abstained.*

*Brown moved to accept the **December 1, 2011** minutes as amended, Ascolillo seconded and all voted in favor with the exception of Brownrigg and Tatistcheff, who abstained.*

*Tatistcheff moved to accept the **September 13, 2012** minutes as amended, Bush seconded and all voted in favor with the exception of Ascolillo, Brownrigg and Guarino, who abstained.*

*Ascolillo moved to accept the **September 27, 2012** minutes as amended, Tatistcheff seconded and all voted in favor with the exception of Guarino, who abstained.*

Certificate of Compliance: DEP 125-0914, 111 Sunset Rd., Construction of a garage addition, driveway extension and deck; Issued: 4/4/2012. Based on Willard's recommendations that the project had been completed satisfactorily in compliance with the Plan of Record, *Bush moved to issue a Certificate of Compliance for DEP #125-0914, Tatistcheff seconded and all voted in favor.*

Land Use Permits:

*Brownrigg moved to issue a Land Use Permit to Cub Scout Pack #135 for their **Annual Rocket Launching Event** scheduled for November 3, 2012 from 9 a.m. to 1 p.m. with a rain date November 10, 2012) at Foss Farm, Tatistcheff seconded and all voted in favor. Cub Scouts Charlie and Conrad, who presented the request, promised to provide the Commission with photos of the event for the record and agreed to remind participants to clean up afterward.*

*Burn moved to issue individual Land Use Permits to allow **Sled Dog Training on Foss Farm** for the period beginning October 25, 2011 through March 31, 2012 from 9 a.m. to 12 p.m., Ascolillo seconded and all voted in favor. It was determined that an individual permit will be issued to each trainer for the purposes of record keeping. Land Use Permits were issued to Tuckers, Day, Dennison, Karlson, Mizzoni and Szegvaris.*

*Tatistcheff moved to issue a Land Use Permit (retroactively) to the **Concord Carlisle High School Rivers and Revolutions Class** for the purpose of conducting educational instruction on the Cranberry Bog Conservation Land on October 24, 2012, Burn seconded and all voted in favor.*

*Brown moved to issue a Land Use Permit to **Red Tree Productions** to allow crew members the use of the Foss Farm Conservation Land Parking Lot on November 5, 2012, pending receipt of a Certificate of*

Liability. The Commission will gladly accept the permittee's offer to contribute \$15 per car to the Conservation Gift Fund, Ascolillo seconded and all voted in favor.

8:00 p.m. (DEP-0928) Notice of Intent, Continued Hearing

Applicant: David Reed

Project Location: 90 Page Brook Road

Project Description: Installation of a ground-mounted Solar PV Array on 5 "ground screws" in BVW, Riverfront, and Land Subject to Flooding

Guarino opened the Continued Hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. At the previous hearing, representative Charles Cady of Absolute Green Energy had stated that they would be unable to locate the array on the roof due to the configuration of the house and to the likelihood that over 17 mature trees would need to be removed in order to provide sufficient sunlight. Because the proposed project was located within the 200' Riverfront Area, the Commission had requested that the applicant submit an Alternatives Analysis as required by the Riverfront Protection Act.

Guarino cited the categories the Commission is required to consider in accordance with Riverfront Protection Act regulations during their review of an Alternatives Analysis, including cost, existing technology, proposed use and logistics, in order to determine if there are better alternatives. Based on the details of the plan, the Commission agreed that the project was fairly minimal and well thought through and did in fact meet the all requirements satisfactorily. The Commission was also in agreement with Willard's suggestion to include a Finding in the Orders of Conditions that they are not approving the delineations of the Riverfront because it is referred to as "Estimated" on the Plan.

Tatistcheff moved to close the hearing for DEP #125-0298, Ascolillo seconded and all voted in favor. Brown moved to issue a Standard Order of Conditions with the additional finding that the Riverfront Area as shown on the Plan of Record is estimated, therefore the Conservation Commission has not confirmed the Riverfront Area as designated on the Plan of Record.

8:15 p.m. (DOA-299) Request for Determination

Applicant: Andrea & Hobart Kalkstein

Project Location: 315 Cross Street

Project Description: Installation of a new gas line service to a single family home with work within the 100-foot Buffer Zone of a Bordering Vegetated Wetland

Guarino opened the meeting under the provisions of the Carlisle Wetlands Protection Bylaw. The applicants presented the Plan for locating a natural gas service line running from Cross Street along a paved driveway to their residence. The wetland areas were delineated by Norse Environmental Services on 10/9/12. The 18" wide by 20-36" deep trench for the service would be prepared by National Grid in accordance with their Trenching Guidelines as reflected on the Plan inlay. The project would be a temporary disturbance of no more than 48 hours and does not require any filling or grading that would alter current drainage patterns in the nearby wetlands. The existing propane tank would be removed by Eastern Propane in early spring using a crane, with the area to be immediately filled with clean soil and the existing landscaping to be restored to existing conditions.

Willard suggested that the Commission only approve the wetland delineation from Wetland Flags 13A to 2A, as the Plan does not include delineations beyond this area. She also recommended that the applicant

be required to install haybales on the upstream side of the culvert that exists within the project area in order to prevent further sediment buildup within the culvert.

Brown moved to issue a Negative Determination for DOA-299, B3 whereby the work described on the Plan is within the Buffer Zone but will not alter an Area subject to protection under the Act, with the Special Condition requiring the installation of haybales on the upstream side of the culvert that exists in the project area with a Finding that the Commission is not approving wetland delineations beyond Wetland Flags 13A to 2A, Tatistcheff seconded and all voted in favor.

Cranberry Bog Lease Agreement: Guarino said Steve Hinton has offered to provide the Commission with some direction relative to revising the Cranberry Bog Lease Agreement. He was involved during the previous revision process and had indicated his willingness to speak with the Commission to share some suggestions that may be useful during the next review process at an upcoming meeting when time permits.

Response Letter from Alan Carpenito: In accordance a request made at their previous meeting, Alan Carpenito submitted a letter to the Commission dated October 17, 2012 communicating his concerns relative to potential wetlands violations that may have occurred on the Benfield Land. Specifically, Carpenito asked whether the owner of the land is allowed to perform work in the Buffer Zone and allowed to fill and excavate in the wetlands without a permit if the land is under Chapter 61A. He also asked for clarification relative to the statute of limitations on filling of wetlands subsequent to the enactment of the Clean Water Act. Also at the previous meeting, Carpenito had asked whether representatives of the Commission would be willing to conduct a site visit with him in order to see where he had observed potential wetlands violations. Commissioners Brownrigg and Burn met with Carpenito at the site, and Brownrigg summarized their observations in a memorandum dated October 20, 2012. Guarino thanked Brownrigg for providing the detailed summary of their observations and stated that she is in the process of drafting a response letter based on the information contained in the report and upon further review of the provisions relative to the statute of limitations. Guarino noted that although the issues communicated in Carpenito's letter did not exactly match her understanding of the concerns he had communicated at the meeting, she would try to address those questions in the context of the others. She will also consult the MACC Environmental Handbook relative to the provisions of statute of limitations

8:35 p.m. (DOA-298) Notice of Intent

Applicant: Love and Robert Seawright

Project Location: 201 Bedford Road - Seawright Farm

Project Description: Reclassification or correction of perennial status of a watercourse which flows through the Seawright Farms

Guarino opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. David Burke, Wetlands Resource Specialist, presented the Plan. The subject property is a 13.84 acre parcel known as Seawright Gardens, with a portion of the property under a CR. Burke said he first visited the property in early August, when he examined property lines both from a hydrological and an agricultural standpoint. Although he noted very few BVWs on property, he concluded that the major thrust of his interest and investigation would be the classification of Stream A in order to determine possibilities for potential further agriculture activities and to ascertain the value of the property. According to the USGS Billerica Quadrangle, the stream is presently presumed to be perennial; however, Burke stated that he has provided the Commission with ample and substantial data that will hopefully overcome the presumption that Stream A is perennial and that it is in fact an intermittent stream.

In order to more fully understand the true characteristics and classification of the subject stream, Burke stated that he had monitored the property for approximately 3 months beginning in August 2012 through the present. Documentation was provided during his presentation and also included in the filing in order to substantiate the request to correct the classification of the stream. This documentation included consulting the applicants institutional knowledge of the stream, establishing flow monitoring stations, photo documentation of the stream covering the period of 8/23/12 through 8/16/12, observing the physical characteristics of the watershed, where he notes several things are missing from a biological standpoint including the lack of the presence of macro invertebrates and aquatic vegetation. Burke stated he also ran USGS Stream Stats and found the watershed size is markedly under the .5 square miles required to support a primary perennially flowing stream. His conclusion is that the stream is likely mistakenly identified as the Pages Brook headwaters. He found another stream, identified as intermittent until after it joins Stream A beyond the subject study area and off of the subject property, is more likely the headwaters of Pages Brook.

Guarino thanked Burke for the thorough presentation and report. The Commission was largely in agreement that a site visit may not be necessary given the depth of information contained in the filing. Willard noted that the stream is now flowing since it is now well into fall where evapo-transpiration shuts down and also there have been recent rains.

Tatistcheff moved to issue a Positive Determination B2A, whereby the boundary delineations of the following resource areas described on the referenced plans are confirmed as accurate. There, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this determination is valid. Tatistcheff moved to include the finding: "The Carlisle Conservation Commission confirms that, based upon the evidence presented at their October 25, 201 meeting, Stream A is intermittent as described in the Request for Determination filing documents. The U.S.G.S. Billerica Quadrangle identifies the stream as perennial. The Commission confirms that the stream is intermittent. No resource area boundaries on the property were presented or confirmed. No work was proposed. This document may be recorded with the Registry of Deeds. Burn seconded and all voted in favor.

9:00 p.m. Emergency Certificate: Rylan Grant & Christina Rudzinski; 52 Evergreen Lane.

The property owners are seeking an Emergency Certificate to allow work associated with the replacement of a collapsed septic tank and distribution box. The septic tank location will be moved to 65' from the BVW. The proposed distribution box is located 56' from the BVW. The BOH technical consultant has inspected the site and agreed that it qualifies as a public health emergency. *Ascolillo moved to issue an Emergency Certificate to allow work associated with the replacement of the septic tank and distribution box with the following Special Conditions: (1) install a siltation barrier to delimit the work area and to provide protection to the wetlands in the case of a storm event.; (2) contact the Conservation office for an inspection of the siltation barrier at least 24 hours in advance of work; (3) use plan approved by the BOH; (4) appropriately stabilize the site with grass seed; (5) contact the Conservation Commission office prior to removal of the siltation barrier for a final inspection upon completion of the work and when area has revegetated. Tatistcheff seconded and all voted in favor.*

Weed Wrench Purchase: A vote was taken to codify the Commission's decision to purchase a Weed Wrench, a tool which has been proven to be highly effective in removing invasive species such as Buckthorn by means of pulling the plants out by the roots. In addition to making the tool available to volunteers working on invasives mgt on conservation lands, the Commission also plans to make it available to residents at some point in the future. *Brown moved to purchase a Weed Wrench for*

approximately \$189, Ascolillo seconded and all voted in favor with the exception of Guarino and Bush, who abstained.

36 Log Hill Road: Willard informed the Commission that she had recently received an As Built Plan for the installation of a subsurface Sewage Disposal System located at 36 Log Hill Road. In comparing the As Built with the Plan of Record, it appears that there are several deviations from the approved plan including but not limited to grading beyond the limit of work and grading beyond the property line. The Commission discussed the possibility of issuing an Enforcement Order requiring restoration work and will continue the discussion as more information becomes available.

9:50 p.m. Brownrigg moved to adjourn, Ascolillo seconded and all voted in favor.

Respectfully submitted,
Mary Hopkins
Administrative Assistant